

REMARKS

Claims 16 through 22 and 28 through 33 are pending in this application. Claims 1 through 15 and 23 through 27 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 30 through 33 have been added by the foregoing amendment. Claims 16, 28, 29 and 30 are the independent claims. Claim 16 has been rewritten in independent form and claims 17 through 20 have been amended to properly depend from claim 16.

The Examiner objected to FIG. 4 for failing to include reference signs allegedly mentioned in the description and objected to FIGs. 3 and 4 for allegedly not describing all of the references on FIGs. 3 and 4.

The Examiner rejected claims 1 and 23 through 26 under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Examiner has objected to claims 10 through 12 under 37 CFR §1.75 as being a substantial duplicate of claims 7 through 9.

The Examiner has rejected claims 1 through 29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,650,640 to Muller et al. These rejections are addressed below.

Drawing Objections

The Examiner objected to FIG. 4 for failing to include reference signs allegedly mentioned in the description. Contrary to the Examiner's assertion, the "references A , B" that are described in the specification do not refer to FIG. 4, but are merely used to illustrate an example of a virtual circuit signaling connection set-up protocol. Regardless, to avoid any possible confusion, Applicants have amended the specification to change "A" to --H-- and "B" to --K-- so that the illustration is related to elements in FIG. 4. The Examiner also objected to FIGs. 3 and 4 for allegedly not describing all of the references on FIGs. 3 and 4. Applicants have amended the specification to describe all of the references in FIGs. 3 and 4. Therefore, the Examiner's objections to the figures are believed to be moot in light of the amendments and the Examiner is respectfully requested to withdraw the objections to the drawings.

The Claims Were not Indefinite

The Examiner rejected claims 1 and 23 through 26 under 35 U.S.C. § 112, second paragraph, as being indefinite. Contrary to the Examiner's assertion the phrase "replacing the" is not in either of claim 1 or 23. Regardless, claims 1 and 23 through 26 have been cancelled. Accordingly, Applicants believe that the Section 112, second paragraph, rejection of claims 1 and 23 through 26 has been rendered moot by the cancellation of claims 1 and 23 through 26, and the Examiner is respectfully requested to withdraw the rejection.

The Claims Were not Substantial Duplicates

The Examiner has objected to claims 10 through 12 for double patenting under 37 CFR §1.75 as being a substantial duplicate of claims 7 through 9. Although Applicants disagree, since, claims 7 through 9 recite the "Ethernet source address" and claims 10 and 11 (and claim 12 was intended to) relate to defining the "Ethernet destination address," claims 7 through 12 have been cancelled. Accordingly, Applicants believe that the cancellation of claims 7 through 12 has rendered the objection moot and the Examiner is respectfully requested to withdraw the objection.

The Claims Patentably Define the Invention Over Muller et al.

The Examiner has rejected claims 1 through 29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,650,640 to Muller et al. The rejection is believed to overcome by the above amendments and following remarks. Therefore, Applicants respectfully submit that independent claims 16, 28 and 29, as amended, patentably define the present invention over the Muller et al. patent.

Regarding claim 16, which now recites, *inter alia*:

"receiving a packet with the flow identifier as the address, the packet having an Ethernet packet header and an Ethernet payload, the Ethernet header having an Ethernet source address and an Ethernet destination address, the Ethernet destination address being a first host address that is a virtual host address, the Ethernet payload having an Internet

Protocol header and an Internet Protocol payload, and the Internet Protocol header having an Internet Protocol source address and an Internet Protocol destination address;
determining a second host address based upon the Internet Protocol destination address in the Internet Protocol header, the second host address being the address of a real host; and
storing the second host address correlated with the first host address in a packet forwarding table.”

Contrary to the Examiner’s assertion, there is nothing in the Muller et al. patent that discloses or suggests “receiving a packet” with an “Ethernet destination address being a first host address that is a virtual host address . . . determining a second host address . . . ; and storing the second host address correlated with the first host address in a packet forwarding table,” as recited in claim 16. At best, the Muller et al. patent performs traditional Ethernet packet flow forwarding (see, column 4, line 33 through column 5, line 9), but does not perform the switching described by “determining a second host address based upon the Internet Protocol destination address in the Internet Protocol header, the second host address being the address of a real host; and storing the second host address correlated with the first host address in a packet forwarding table,” as recited in claim 16. Therefore, amended independent claims 16, 28 and 29, and the claims that depend therefrom, are not anticipated by the Muller et al. patent. Accordingly, the Applicants respectfully request that the Section 102 rejection be withdrawn and a notice of allowance for the currently pending claims be issued.

The New Claims Patentably Define the Invention Over the Cited References

Applicant respectfully submits that new independent claim 30 and dependent claims 31 through 33 patentably define the present invention over the cited references for at least those reasons given above for claims 16, 28 and 29. Therefore, Applicants believe that all of the currently pending claims patentably distinguish over the Muller et al. patent and are allowable. Accordingly, Applicants respectfully request that the Section 102 rejection of the currently pending claims be withdrawn and that a Notice of Allowance be timely issued.

CONCLUSION

In view of the amendments and remarks submitted above, the Applicants respectfully submit that the present case is in condition for allowance. Thus, Applicants' silence as to some of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection. Applicants respectfully request issuance of a notice of allowance.

Applicants respectfully request a three-month Extension of Time to respond to the Office Action of January 5, 2004. The extended period expiring July 6, 2004, since July 5, 2004 was a Federal Holiday and July 6, 2004 is the next business day following the holiday.

The Office is hereby authorized to charge the fee of \$950.00 for a Petition for Extension of Time Under 37 C.F.R. §1.136(a) and any additional fees under 37 C.F.R. §1.16 or §1.17 or credit any overpayment to Deposit Account No. 11-0600.

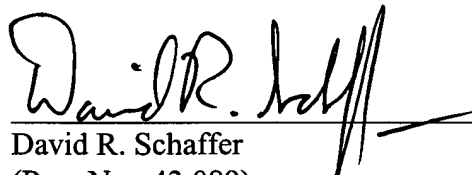
The Examiner is invited to contact the undersigned at (202) 220-4263 to discuss any matter concerning this application.

Respectfully submitted,

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Dated: July 6, 2004

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